



is responsible for the final determination and outcome of the case, and accordingly the Court has conducted a careful review of the magistrate judge's recommendation.

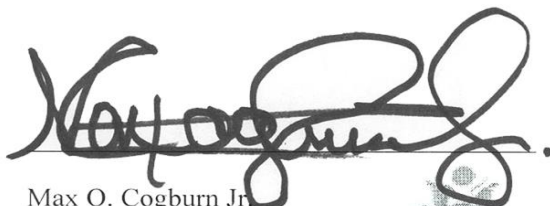
## **II. Discussion**

After such careful review, the Court determines that the recommendation of the magistrate judge is fully consistent with and supported by current law. Further, the brief factual background and recitation of issues is supported by the applicable pleadings. Based on such determinations, the Court will fully affirm the Memorandum and Recommendation and grant relief in accordance therewith.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation (#18) is **AFFIRMED**, plaintiff's Motion for Summary Judgment (#9) is **GRANTED**, defendant's Motion for Summary Judgment (#11) is **DENIED**, and the Commissioner's determination is **VACATED** and this matter **REMANDED** to the Commissioner for further proceedings and development of the claim in light of the Mascio violations, as discussed in the Recommendation.

Signed: March 8, 2018

  
Max O. Cogburn Jr.  
United States District Judge